

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:07-CR-520 CEJ
)	
TERRY L. EDWARDS,)	
)	
Defendant.)	

ORDER

Pursuant to 28 U.S.C. § 636(b), the Court referred all pretrial matters in this case to United States Magistrate Judge Frederick R. Buckles for determination and recommended disposition, where appropriate. On August 5, 2008, Judge Buckles issued a Memorandum, Report and Recommendation with respect to the disposition of the motions filed by the defendant Terry L. Edwards. The defendant now objects to the findings and conclusions of Judge Buckles with respect to the motion to suppress evidence.

In accordance with 28 U.S.C. § 636(b)(1), the Court has reviewed *de novo* the findings and conclusions of the magistrate judge to which objections are made. In conducting its review, the Court has listened to the recording of the evidentiary hearing conducted on March 20, 2008. Having done so, the Court concludes that the factual findings made by Judge Buckles are supported by the evidence and that his legal conclusions are correct.

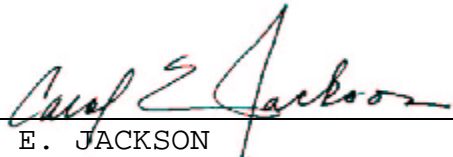
Specifically, the testimony presented at the evidentiary hearing, established that the defendant signed a consent to search form allowing the police officers to search his residence. The form was read to the defendant, and he acknowledged that he understood it. Additionally, the defendant was told that he had the right to withhold his consent. The officers made no threats or promises to the defendant to procure his consent. See United States v. White, 81 F.3d 775, 780 (8th Cir. 1996). Thus, the defendant's consent was voluntary, and the search of his residence did not violate the Fourth Amendment.

The defendant retained a handwriting expert, who prepared a report stating that he compared the signature on the consent to search form to exemplars of the defendant's signature and found "numerous differences in details" between them. The expert reported that the differences "are indicative" that the signature on the consent to search form is a "forgery by simulation rather than a genuine signature of Terry Edwards." The defendant declined the opportunity to present the expert's testimony at a supplemental hearing. As a result, there was no opportunity to determine the basis for the expert's opinion or to assess his credibility. As such, the only competent evidence before the magistrate judge was the evidence establishing that the search was consensual.

Accordingly,

IT IS HEREBY ORDERED that the Memorandum and Report and Recommendation of United States Magistrate Judge Frederick R. Buckles is sustained, adopted, and incorporated herein.

IT IS FURTHER ORDERED that the motions of defendant Terry L. Edwards to suppress evidence [Doc. # 33], to suppress statements [Doc. # 34], and to reveal the identity of the confidential informant [Doc. # 35] are **denied**.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 27th day of August, 2008.